

## HOUSE BILL NO. 637

INTRODUCED BY R. DRISCOLL

A BILL FOR AN ACT ENTITLED: "AN ACT DIVERTING A PORTION OF THE HOSPITAL BED TAX TO FUND COMMUNITY-BASED MENTAL HEALTH SERVICES; CREATING A SPECIAL REVENUE ACCOUNT; APPROPRIATING FUNDS; REPEALING THE SUNSET PROVISION OF THE HOSPITAL BED TAX; AMENDING SECTION 15-66-102 AND 53-6-149, MCA; REPEALING SECTION 20, CHAPTER 390, LAWS OF 2003, SECTIONS 4 AND 7, CHAPTER 606, LAWS OF 2005, AND SECTIONS 4, 5, 6, AND 8, CHAPTER 517, LAWS OF 2007; AND PROVIDING EFFECTIVE DATES."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**NEW SECTION.** **Section 1. Mental health services special revenue account.** (1) There is a mental health services special revenue account in the state special revenue fund provided for in 17-2-102, to the credit of the department of public health and human services.

(2) Money must be deposited in the account as provided for in 15-66-102.

(3) Money in the account must be used by the department to provide direct services to mental health consumers in a community-based setting.

**Section 2.** Section 15-66-102, MCA, is amended to read:

**"15-66-102. (Temporary) Utilization fee for inpatient bed days.** (1) Each hospital in the state shall pay to the department a utilization fee:

~~(a) in the amount of \$27.70 for each inpatient bed day between January 1, 2006, and June 30, 2007;~~

~~—— (b) in the amount of \$47 for each inpatient bed day between July 1, 2007, and December 31, 2007;~~

~~—— (c) in the amount of \$43 for each inpatient bed day between January 1, 2008, and December 31, 2008;~~

~~(d)~~(a) in the amount of \$48 for each inpatient bed day between January 1, 2009, and December 31, 2009; and

~~(e)~~(b) beginning January 1, 2010, in the amount of \$50 for each inpatient bed day.

(2) ~~All proceeds~~ Proceeds from the collection of utilization fees, including penalties and interest, must, in accordance with the provisions of 17-2-124, be deposited as follows:

(a) \$45 to the credit of the department of public health and human services in a state special revenue account as provided in 53-6-149; and

(b) \$5 to the credit of the department of public health and human services in a state special revenue account as provided in [section 1]. (Void on occurrence of contingency--sec. 18, Ch. 390, L. 2003. Terminates June 30, 2009--secs. 5, 6, 8, Ch. 517, L. 2007.)"

**Section 3.** Section 53-6-149, MCA, is amended to read:

**"53-6-149. (Temporary) State special revenue fund account -- administration.** (1) There is a hospital medicaid reimbursement account in the state special revenue fund provided for in 17-2-102.

(2) ~~All money collected under 15-66-102~~ Money must be deposited in the account as provided in 15-66-102.

(3) Money in the account must be used by the department of public health and human services to provide funding for increases in medicaid payments to hospitals and for the costs of collection of the fee and other administrative activities associated with the implementation of increases in the medicaid payments to hospitals. (Terminates June 30, 2009--sec. 5, Ch. 517, L. 2007.)"

NEW SECTION. **Section 4. Repealer.** Section 20, Chapter 390, Laws of 2003, sections 4 and 7, Chapter 606, Laws of 2005, and sections 4, 5, 6, and 8, Chapter 517, Laws of 2007, are repealed.

NEW SECTION. **Section 5. Appropriation.** There is appropriated a maximum of \$2.3 million for the biennium beginning July 1, 2009, from the mental health services special revenue account provided for in [section 1] to the department of public health and human services for use as provided in [section 1].

NEW SECTION. **Section 6. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 53, chapter 21, and the provisions of Title 53, chapter 21, apply to [section 1].

NEW SECTION. **Section 7. Effective dates.** (1) Except as provided in subsection (2), [this act] is effective January 1, 2010.

(2) [Sections 4 through 6 and this section] are effective on passage and approval.

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